

141-295012-17

FILED  
TARRANT COUNTY  
2/27/2019 3:13 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 141-295012-17**

MBH REAL ESTATE, LLC,  
AFI LOAN SERVICING, LLC  
ANSON FINANCIAL, INC., AND  
J. MICHAEL FERGUSON, P.C.

*Plaintiffs*

v.

IAN GHRIST, GHRIST LAW  
FIRM, PLLC, SHAWN COKER,  
NEIGHBORHOOD PARTNER,  
INC., BLUE MOON REALTY  
GROUP, LLC, WIZARD  
FUNDING, LLC, SILVER STAR  
TITLE, LLC DBA SENDERA  
TITLE, ELIZABETH ESPINO,  
KATHY E. MONTES, AND LUCY  
OLIVAS  
*Defendants*

IN THE DISTRICT COURT

141<sup>ST</sup> DISTRICT COURT

TARRANT COUNTY, TEXAS

---

**PLAINTIFFS' TRADITIONAL MOTION FOR PARTIAL SUMMARY JUDGMENT**

---

TO THE HONORABLE COURT:

NOW COMES, Plaintiffs MBH Real Estate, LLC, AFI Loan Servicing, LLC, Anson Financial, Inc., and J. Michael Ferguson, P.C. (hereinafter referred to as "Plaintiffs") and pursuant to Rule 166a of the Texas Rules of Civil Procedure, files this Traditional Motion for Partial Summary Judgment against Defendants Ian Ghrist, Ghrist Law Firm, PLLC (hereinafter referred to as the "Ghrist Defendants"), Shawn Coker, Catherine Coker, Neighborhood Partners Inc., Blue Moon Realty Group, LLC, and Wizard Funding, LLC (hereinafter referred to as the "Coker Defendants"), Silver Star Title, LLC dba Sendera Title, Elizabeth Espino, Kathy E. Montes, Lucy Olivas, and Salvador Espino & Associates, LLC (hereinafter referred to as the "Sendera Defendants") and in support thereof, Plaintiffs would show unto this Court the following:

### **GROUNDS FOR PARTIAL SUMMARY JUDGMENT**

1. The Coker Defendants did not have an interest in the Judgment rendered in Cause Number 236-269254-13 at the time the Coker Defendants executed a Partial Release of Judgment Lien on February 9, 2017, Instrument Number D217032046 in the Tarrant County Real Property Records.
2. The Coker Defendants were not members of MBH Real Estate, LLC at the time the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records was signed, nor are the Coker Defendants currently members of MBH Real Estate, LLC.
3. The Ghrist Defendants were not members of MBH Real Estate, LLC at the time the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records was signed, and the Ghrist Defendants have never been members of MBH Real Estate, LLC.
4. The Ghrist Defendants did not have authority to execute the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records, because they were not members, rendering said release of lien void.

### **STANDARDS FOR TRADITIONAL MOTIONS FOR SUMMARY JUDGMENT**

5. The standard of review for a traditional motion for summary judgment is well established. In reviewing a summary judgment, evidence favorable to the non-movant will be taken as true. See Tex. R. Civ. P. 166a (c); *Black v. Victoria Lloyds Ins. Co.*, 797 S.W.2d 20, 23 (Tex. 1990). To prevail on a traditional motion for summary judgment, a defendant must either disprove at least one element of each of the plaintiffs' theories of recovery or plead and conclusively establish each essential element of an affirmative defense, thereby

141-295012-17

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TARRANT COUNTY  
2/6/2019 3:16 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 141-295012-17**

MBH REAL ESTATE, LLC,  
AFI LOAN SERVICING, LLC  
ANSON FINANCIAL, INC., AND  
J. MICHAEL FERGUSON, P.C.  
*Plaintiffs*

v.

IAN GHRIST, GHRIST LAW  
FIRM, PLLC, SHAWN COKER,  
NEIGHBORHOOD PARTNER,  
INC., BLUE MOON REALTY  
GROUP, LLC, WIZARD  
FUNDING, LLC, SILVER STAR  
TITLE, LLC DBA SENDERA  
TITLE, ELIZABETH ESPINO,  
KATHY E. MONTES, AND LUCY  
OLIVAS  
*Defendants*

IN THE DISTRICT COURT

141<sup>ST</sup> DISTRICT COURT

TARRANT COUNTY, TEXAS

---

**PLAINTIFFS' NO EVIDENCE MOTION FOR PARTIAL SUMMARY JUDGMENT**

---

TO THE HONORABLE COURT:

NOW COMES, Plaintiffs MBH Real Estate, LLC, AFI Loan Servicing, LLC, Anson Financial, Inc., and J. Michael Ferguson, P.C. (hereinafter referred to as "Plaintiffs") and pursuant to Rule 166a of the Texas Rules of Civil Procedure, files this No Evidence Motion for Partial Summary Judgment against Defendants Ian Ghrist, Ghrist Law Firm, PLLC (hereinafter referred to as the "Ghrist Defendants"), Shawn Coker, Catherine Coker, Neighborhood Partners Inc., Blue Moon Realty Group, LLC, and Wizard Funding, LLC (hereinafter referred to as the "Coker Defendants"), Silver Star Title, LLC dba Sendera Title, Elizabeth Espino, Kathy E. Montes, Lucy Olivas, and Salvador Espino & Associates, LLC (hereinafter referred to as the "Sendera Defendants") and in support thereof, Plaintiffs would show unto this Court the following:

### **GROUNDS FOR PARTIAL SUMMARY JUDGMENT**

1. There is no evidence that the Coker Defendants had an interest in the Judgment rendered in Cause Number 236-269254-13 at the time the Coker Defendants executed a Partial Release of Judgment Lien on February 9, 2017, Instrument Number D217032046 in the Tarrant County Real Property Records.
2. There is no evidence that the Coker Defendants were members of MBH Real Estate, LLC at the time the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records was signed, nor is there evidence that the Coker Defendants are currently members of MBH Real Estate, LLC.
3. There is no evidence that the Ghrist Defendants were members of MBH Real Estate, LLC at the time the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records was signed, nor is there evidence that the Ghrist Defendants have ever been members of MBH Real Estate, LLC.
4. There is no evidence that the Ghrist Defendants had authority to execute the release of lien dated February 16, 2017, Instrument Number D217060901 in the Tarrant County Real Property Records, because they were not members.

### **STANDARDS FOR NO EVIDENCE MOTIONS FOR SUMMARY JUDGMENT**

5. The standard of review for a traditional motion for summary judgment is well established. No-evidence summary judgments are reviewed under the same legal sufficiency standard as directed verdicts. *Merriman v. XTO Energy, Inc.*, 407 S.W.3d 244, 248 (Tex. 2013). The nonmovant has the burden to produce summary judgment evidence raising a genuine issue of material fact as to each challenged element of its cause of action. *Id.* (citing Tex. R. Civ. P. 166a(i)). A no evidence challenge will be sustained when there is a complete

absence of evidence of a vital fact, the court is barred by rules of law or of evidence from giving weight to the only evidence offered to prove a vital fact, the evidence offered to prove a vital fact is no more than a mere scintilla, or the evidence conclusively establishes the opposite of the vital fact. *Id.* (citing *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751 (Tex. 2003)).

#### ADEQUATE TIME FOR DISCOVERY

6. Plaintiffs would show that there has been an adequate time for discovery in this matter for the consideration of the filing of this No Evidence Motion for Summary Judgment.
7. Plaintiffs filed this lawsuit on September 20, 2017. While there was an abatement to discovery due to a Motion to Dismiss and an appeal, the court of appeals entered a mandate on September 5, 2018.
8. This matter is set for trial on September 16, 2019.

#### BACKGROUND FACTS

9. In 2014 the Coker Defendants obtained a judgment against David Boles and various entities that Boles owns/owned in Cause Number 236-269254-13 ("The Judgment").
10. The Judgment was transferred to MBH Real Estate by the Coker Defendants on July 28, 2016 as evidenced in the Transfer of Judgment attached hereto and incorporated by reference as **Exhibit 1**.
11. Effective in July of 2016, a complete transfer of membership interest and consent of transfer by the members of MBH Real Estate, LLC occurred. The transfer and consent are attached hereto and incorporated by reference as **Exhibit 2**.
12. The only members/owners of MBH Real Estate, LLC from July 2016 forward are J. Michael Ferguson, P.C. and Anson Financial, Inc.

13. However, on February 9, 2017 the Coker Defendants executed a Partial Release of Judgment Lien ("Partial Release") and caused it to be recorded. The Partial Release is attached hereto and incorporated by reference as **Exhibit 3**.
  14. This Partial Release was made over six months after the Transfer of Judgment from the Coker Defendants to MBH Real Estate, LLC.
  15. Additionally, in February of 2017, the Ghrist Defendants executed and caused to be recorded by the Sendera Defendants a Release of Lien. The Release of Lien is attached hereto and incorporated by reference as **Exhibit 4**.
  16. In the Release of Lien, the Ghrist Defendants are claiming to be a member of MBH Real Estate, LLC. However, this is an impossibility.
  17. It is undisputed and there is no evidence that The Ghrist Defendants have ever been transferred the full rights to be a member or consented to be a member of MBH Real Estate, LLC by the members of MBH Real Estate, LLC. **Exhibit 5**.
- GROUND ONE: THE COKER DEFENDANTS DID NOT HAVE AN INTEREST IN THE JUDGMENT**
18. The Coker Defendants transferred all their interests in the judgment in to MBH Real Estate, LLC on July 28, 2016. **Exhibit 1**.
  19. The Coker Defendants did not have an interest in The Judgment at the time the Coker Defendants executed the Partial Release of Judgment Lien. **Exhibit 2**.
  20. In fact, according to the Partial Release, the Coker Defendants waived and released all present and future rights to The Judgment on page 1 of **Exhibit 2**.
  21. There is no evidence that the Coker Defendants had an interest in The Judgment when the Coker Defendants executed the Partial Release of Judgment Lien.
  22. Thus, summary judgment should be granted to MBH Real Estate, LLC that the Coker

Defendants did not have an interest in The Judgment in 2017 nor do the Coker Defendants currently have an interest in The Judgment.

**GROUND TWO: THE COKER DEFENDANTS WERE NOT MEMBERS OF MBH REAL ESTATE, LLC IN 2017 NOR ARE THEY CURRENTLY MEMBERS OF MBH REAL ESTATE, LLC**

23. The Coker Defendants transferred all their membership interests in MBH Real Estate, LLC to Anson Financial, Inc. in July of 2016. **Exhibit 3**.

24. This was a transfer of the Coker Defendants' entire interest in MBH Real Estate, LLC.

25. The members of MBH Real Estate, LLC consented to the transfer of membership interests and approved Anson Financial, Inc. to be a member of MBH Real Estate, LLC. **Exhibit 5**.

26. There is no evidence that the Coker Defendants were members of MBH Real Estate, LLC in 2017 nor is there evidence that the Coker Defendants are currently members of MBH Real Estate, LLC.

27. Thus, summary judgment should be granted to MBH Real Estate, LLC that the Coker Defendants were not members of MBH Real Estate, LLC in 2017 and that the Coker Defendants are not currently members of MBH Real Estate, LLC.

**GROUND THREE: THE GHRIST DEFENDANTS WERE NOT MEMBERS OF MBH REAL ESTATE, LLC IN 2017 NOR HAVE THEY EVER BEEN MEMBERS OF MBH REAL ESTATE, LLC**

28. The Ghrist Defendants have never been members of MBH Real Estate, LLC and more specifically, the Ghrist Defendants were not members of MBH Real Estate, LLC in February of 2017 when the Release of Lien was signed by Ian Ghrist as a member.

29. There was never an agreement for the Ghrist Defendants to be members of MBH Real Estate, LLC, a transfer of membership to the Ghrist Defendants, or approval by the members of MBH Real Estate, LLC for the Ghrist Defendants to be members of MBH Real

Estate, LLC. **Exhibit 5.**

30. There is no evidence that the Ghrist Defendants were members of MBH Real Estate, LLC in 2017 and there is no evidence that the Ghrist Defendants have ever been members of MBH Real Estate, LLC.
31. Thus, summary judgment should be granted to MBH Real Estate, LLC that the Ghrist Defendants were not members of MBH Real Estate, LLC in 2017 and that the Ghrist Defendants have never been members of MBH Real Estate, LLC.

#### **GROUND FOUR: THE GHRIST DEFENDANTS DID NOT HAVE AUTHORITY**

32. The Ghrist Defendants, specifically, Ian Ghrist, signed a Release of Lien as a member of MBH Real Estate, LLC. **Exhibit 4.**
33. Pursuant to the Texas Business and Organizations Code, even if the Ghrist Defendants had a “membership interest,” the Ghrist Defendants did not have authority to sign the Release of Lien because they were not members. **Tex. Bus. Orgs. Code § 101.108.**
34. Additionally, the Ghrist Defendants, even if they owned a “membership interest,” the Ghrist Defendants did not have an interest in any specific property of MBH Real Estate, LLC further depriving the Ghrist Defendants of authority to sign the Release of Lien. **Tex. Bus. Orgs. Code § 101.106(b).**
35. Finally, the only way the Ghrist Defendants could become members of MBH Real Estate, LLC is upon approval of all the company’s members for the Ghrist Defendants to become members themselves. **Tex. Bus. Orgs Code § 101.109(b).** This has never occurred.

**Exhibit 5.**

36. There is no evidence that the Ghrist Defendants had authority to sign the Release of Lien even if the Ghrist Defendants had a “membership interest” because pursuant to the Texas

Business Organizations Code, an assignee of a “membership interest” does not entitle the assignee to participate in the management and affairs of the company, become a member of the company, or exercise any rights of a member of the company.

37. Thus, summary judgment should be granted to Plaintiffs that the Ghrist Defendants did not have the authority to sign the Release of Lien on behalf of MBH Real Estate, LLC because the Ghrist Defendants were not and to this day, are not members of MBH Real Estate, LLC.

#### **EXHIBITS**

**Exhibit 1:** Transfer of Judgment from Coker Defendants to MBH Real Estate, LLC

**Exhibit 2:** Transfer of Membership Interest and Consent of Transfer

**Exhibit 3:** Partial Release of Judgment Lien

**Exhibit 4:** Release of Lien

**Exhibit 5:** Affidavit of J. Michael Ferguson

#### **PRAYER**

WHEREFORE, MBH Real Estate, LLC requests that this matter be set for hearing, with notice to all parties, and that on completion of the hearing, the honorable Court enter an Order granting Plaintiffs’ No Evidence Motion for Partial Summary Judgment:

1. Finding that the Coker Defendants did not have an interest in The Judgment in 2017 nor do the Coker Defendants currently have an interest in The Judgment.
2. Finding that the Coker Defendants were not members of MBH Real Estate, LLC in 2017 and that the Coker Defendants are not currently members of MBH Real Estate, LLC.
3. Finding that the Ghrist Defendants were not members of MBH Real Estate, LLC in 2017 and that the Ghrist Defendants have never been members of MBH Real Estate, LLC.

4. Finding that the Ghrist Defendants did not have the authority to sign the Release of Lien on behalf of MBH Real Estate, LLC because they were not members of MBH Real Estate, LLC.

Respectfully submitted,

Thomas A. Herald, PC

By:

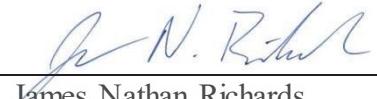
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Thomas A. Herald  
State Bar. No. 09499520  
[Tom@TAHeraldPC.com](mailto:Tom@TAHeraldPC.com)  
62 Main Street, Suite 310  
Colleyville, Texas 76034  
817-778-4136 Phone  
817-485-1117 Facsimile  
**ATTORNEY FOR**  
*Anson Financial, Inc*

J. Michael Ferguson, PC

By:

---

  
James Nathan Richards  
State Bar. No. 24091810  
[nate@jmichaelferguson.com](mailto:nate@jmichaelferguson.com)  
62 Main Street, Suite 310  
Colleyville, Texas 76034  
817-778-4159 Phone  
817-485-1117 Facsimile

**CERTIFICATE OF SERVICE**

This is to certify that on February 6, 2019 a true and correct copy of the above and foregoing document was delivered as indicated below to the following party:

**VIA E-FILE**

Ian Ghrist  
Ghrist Law Firm, PLLC  
2735 Villa Creek Drive, Suite 140  
Farmer's Branch, TX 75234

**VIA E-FILE**

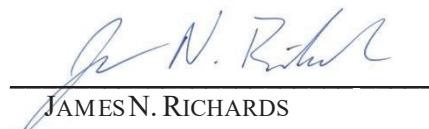
Anthony Cuesta  
Decker Jones, P.C.  
801 Cherry Street, Unit #46  
Burnett Plaza, Suite 2000  
Fort Worth, Texas 76102

**VIA E-FILE**

Salvador Espino  
1205 North Main Street  
Fort Worth, Texas 76164

**VIA E-FILE**

Roland Johnson  
Harris, Finley & Bogle, P.C.  
777 Main Street, Suite 1800  
Fort Worth, Texas 76102

  
\_\_\_\_\_  
JAMES N. RICHARDS

# Exhibit 1



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

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Page 1 of 3

D216299058 12/22/2016 2:25 PM PGS 3 Fee: \$24.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records *Mary Louise Garcia* Mary Louise Garcia

### TRANSFER OF JUDGMENT

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: July 22, 2016

**Judgment Plaintiff:** Shawn Coker  
Neighborhood Partner, Inc.  
Blue Moon Realty Group  
Wizard Funding, LLC

**Transferee:** MBH Real Estate, LLC  
1210 Hall Johnson Rd., Suite 100  
Colleyville, Texas 76034

**Judgment:** See Attached Judgment

Total unpaid Principal, Pre-judgment interest, Court Cost and Post-judgment interest Due on the Judgment is \$777,357.04.

**Judgment is described in the Following Documents:**

Abstract of Judgment dated January 24, 2014, and filed of record under Instrument Number D214016934, Deed Records of Tarrant County, Texas.

For value received, Judgment Plaintiff transfers Judgment to Transferee, warrants that the Judgments unpaid balance of \$777,357.04 is correctly stated and that no payments have been made on said Judgment by Judgment Defendant other than the credit made on February 20, 2015 under the "Order Applying Property to Partial Satisfaction of Judgment" under Cause No. 236-269254-13, Tarrant County 236<sup>th</sup> Judicial District Court.

Transferee shall indemnify and hold Transferor harmless from any liability or loss resulting from the transfer of said Judgment.

This transfer is without recourse on Transferee.

Judgment Plaintiff expressly waives and releases all present and future rights to establish or enforce the Judgment described in this instrument for payment of any future or other indebtedness.

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Page 1 of 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

**Tarrant County Clerk**

A handwritten signature in blue ink that appears to read "Mary Louise Garcia".

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Page 2 of 3

When the context requires, singular nouns and pronouns include the plural.

A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker

Neighborhood Partner, Inc.

By: Shawn Coker, President

Blue Moon Realty Group, LLC

By: Shawn Coker, Managing Member

Wizard Funding, LLC

By: Shawn Coker, Managing Member

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Page 2 of 3



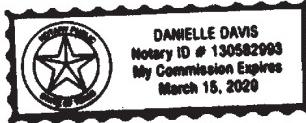
A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

Page 3 of 3

State of Texas                        §§  
County of Tarrant County            §§



Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker.

Danielle Davis  
Notary Public, State of Texas

State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, President of Neighborhood Partner, Inc.

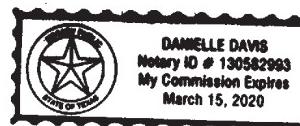
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Blue Moon Realty Group, LLC.

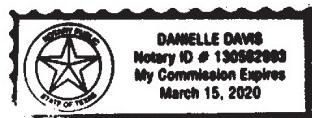
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Wizard Funding, LLC.

Danielle Davis  
Notary Public, State of Texas



Page 3 of 3

# Exhibit 2

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## TRANSFER OF MEMBER INTERESTS

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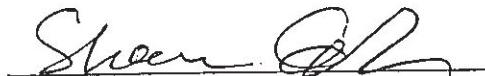
CONCERNING

### MBH REAL ESTATE, LLC

In exchange for good and valuable consideration as described in the Settlement Agreement and Release, the undersigned, **SHAWN COKER**, does hereby transfer and assign to **ANSON FINANCIAL, INC.**, Fifty Percent (50%) of the Member Interests in **MBH Real Estate, LLC**, which represents all of the Member Interests in **MBH Real Estate, LLC**, that have been purportedly issued to **SHAWN COKER** as of the date of this *Transfer of Member Interests*. In this transfer, Shawn Coker hereby disclaims any and all interests in MBH Real Estate, LLC.

This transfer is effective July 1, 2015, regardless of the date of its actual execution by Transferor.

*Transferor:*



**SHAWN COKER**  
**PURPORTED MEMBER OF MBH REAL ESTATE, LLC**

SIGNED ON: JULY \_\_\_, 2016

CONSENT OF MEMBERS REGARDING TRANSFER OF MEMBER INTERESTS  
CONCERNING MBH REAL ESTATE, LLC

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The undersigned, J. Michael Ferguson, P.C., and Shawn Coker, purported members of MBH Real Estate, LLC, a Texas Limited Liability Company (the “**Company**”), hereby acknowledge the receipt of a true and correct copy of the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, which documents the transfer by Coker as Transferor, of his alleged Fifty Percent (50.00%) ownership interest in the Company to Anson Financial, Inc., as Transferee. The Members approve of the transfer of Coker’s Fifty Percent (50.00%) ownership interest in the Company and acknowledge that as a result of the transfer set forth in the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, Coker is relinquishing his entire alleged ownership interest in the Company and Anson Financial, Inc., is acquiring that entire interest.

DATED: Effective July 22, 2016.

By:

  
SHAWN COKER

J. MICHAEL FERGUSON, P.C.

By:

  
J. MICHAEL FERGUSON,  
PRESIDENT

# Exhibit 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: j5d5too

Tarrant County Clerk

*Mary Louise Garcia*

Page 1 of 2

D217032046 2/10/2017 3:15 PM PGS 2 Fee: \$20.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records *Mary Louise Garcia* Mary Louise Garcia

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Partial Release of Judgment Lien

Date:

2/9/17

Judgment Debtors: David Carl Boles, Metro Buys Homes, LLC, Metro Buys Homes II, LLC, Metro Affordable Homes, Inc.

Judgment Creditors: Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, LLC, Wizard Funding, LLC

Judgment

Date: May 15<sup>th</sup>, 2013

Cause number: 236-269254-13

Style of case: *Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, and Wizard Funding, LLC, Plaintiffs v. Metro Buys Homes, LLC, David C. Boles, Teisha D. Boles, Walter E. Boles, Jim Dieffenbierth, Metro Affordable Homes, Inc., and Metra Buys Homes II, LLC.*

Court: 236<sup>th</sup> Judicial District Court of Tarrant County, Texas

Property to be released from lien:

Lot 23, W.B. MONCRIEF ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-F, Page 471, Plat Records, Tarrant County, Texas.

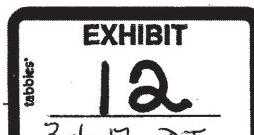
Abstract of Judgment Recording Information: Instrument Number D214016934 in the real property records of Tarrant County, Texas

Judgment Creditor acknowledges satisfaction of the Judgment in part and releases to Judgment Debtor any and all liens existing by reason of the Judgment and the filing of the abstract of judgment only against the above-described property.

The liens existing by reason of the Judgment and the filing of the abstract of judgment continue in full force and effect as to all properties not expressly released by this instrument.

Page 1 of 2

Exhibit





A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: j5d5too

Tarrant County Clerk

*Mary Louise Garcia*

Page 2 of 2

*Shawn Coker*  
Shawn Coker

Neighborhood Partner, Inc.

*Shawn Coker*  
By: Shawn Coker, President

Blue Moon Realty Group, LLC

*Shawn Coker*  
By: Shawn Coker, Managing Member

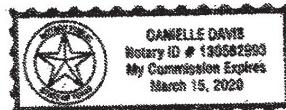
Wizard Funding, LLC

*Shawn Coker*  
By: Shawn Coker, Managing Member

State of Texas  
County of Tarrant §

This instrument was acknowledged before me on this the 9<sup>th</sup> day of February, 2017 by  
Shawn Coker.

*Danielle Davis*  
Danielle Davis  
Notary Public



Page 2 of 2

Exhibit \_\_\_\_\_ - Page 2 of 2

# Exhibit 4



## Page 1 of 2

D217060901 3/20/2017 11:38 AM PGS 2 Fee: \$20.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records  
Sender Title: *Mary Louise Garcia* Mary Louise Garcia  
GPK

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON,  
YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING  
INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN  
REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## Release of Lien

Date: February 16<sup>th</sup>, 2017

Lienholder: MBH Real Estate LLC

Borrower: Elmer Yonathan Umana Hernandez and wife, Brenda Arely Garcia De Umana

## Deed with Retained Vendor's Lien:

Date & Instrument September 16<sup>th</sup>, 2015, Instrument Number D215210217

## Deed of Trust:

Date & Instrument: September 16<sup>th</sup>, 2015, Instrument Number D215210218

## Property to be released from lien:

Lot 23, W.B. MONCRIEF ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-F, Page 471, Plat Records, Tarrant County, Texas (more commonly known as 2420 Purselley, Fort Worth, TX)

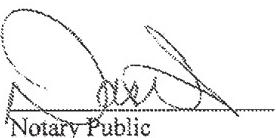
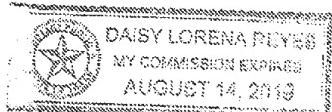
The undersigned is the holder of a lien secured by a deed of trust filed in the Tarrant County Real Property records under the above-listed instrument numbers. In consideration of the full and final payment of all indebtedness secured by the lien described above, the receipt of which is hereby acknowledged, the undersigned hereby releases the property described above from all liens held by the undersigned.

*Mary Louise Garcia*

Page 2 of 2

Executed on this the 16<sup>th</sup> day of February, 2017.

MBH Real Estate LLC

By: Ian Ghrist  
Ian Ghrist, MemberState of Texas                §  
County of Dallas              §This instrument was acknowledged before me on this the 11<sup>th</sup> day of February, 2017 by  
Ian Ghrist.  
Notary Public

Page 2 of 2

# Exhibit 5

**CAUSE NO. 141-295012-17**

MBH REAL ESTATE, LLC,  
AFI LOAN SERVICING, LLC,  
ANSON FINANCIAL, INC.  
J. MICHAEL FERGUSON, P.C.

*Plaintiffs*

v.

IAN GHRIST, GHRIST LAW  
FIRM, PLLC, SHAWN COKER,  
NEIGHBORHOOD PARTNER,  
INC., BLUE MOON REALTY  
GROUP, LLC AND WIZARD  
FUNDING, LLC, SILVER STAR  
TITLE, LLC DBA SENDERA  
TITLE, ELIZABETH ESPINO,  
KATHY E. MONTES, and LUCY  
OLIVAS

*Defendants*

§ IN THE DISTRICT COURT

§ 141ST DISTRICT COURT

§§ TARRANT COUNTY, TEXAS

---

**AFFIDAVIT OF J. MICHAEL FERGUSON**

---

BEFORE ME, the undersigned Notary Public, personally appeared the person known to me to be J. Michael Ferguson, who upon being duly sworn, deposed and stated the following:

1. My name is J. Michael Ferguson. I am over the age of eighteen (18), of sound mind, and I am fully competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. All of the statements contained in this affidavit are based on my personal knowledge and are true and correct.
2. I am the Managing Member of MBH Real Estate, LLC. I am also the President of J. Michael Ferguson, P.C. Additionally, I am the President of Anson Financial, Inc.
3. On July 22, 2016, Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, and Wizard Funding, LLC conveyed their entire interests in the judgment rendered in Cause Number 236-269254-13 to MBH Real Estate, LLC. A true and correct copy of the Transfer of Judgment is attached to this affidavit as Exhibit 1.
4. On July 22, 2016, Shawn Coker transferred all of his member interests in MBH Real Estate, LLC to Anson Financial, Inc. A true and correct copy of the transfer of member interest is attached to this affidavit as Exhibit 2.

5. On July 22, 2016, the members of MBH Real Estate, LLC consented to the transfer of Shawn Coker's 50% interest in the company to Anson Financial, Inc. A true and correct copy of the member consent is attached to this affidavit as Exhibit 3.

6. From the time that Shawn Coker transferred all his member interests in MBH Real Estate, LLC to Anson Financial, Inc. and the members of MBH Real Estate, LLC consented to this transfer of member interest on July 22, 2106, the only members of MBH Real Estate, LLC have been J. Michael Ferguson, P.C. and Anson Financial, Inc.

7. Neither Ian Ghrist nor Ghrist Law Firm, PLLC have ever been members of MBH Real Estate, LLC.

8. At no time has Anson Financial, Inc. ever consented to Ian Ghrist or Ghrist Law Firm, PLLC to be a member of MBH Real Estate, LLC.

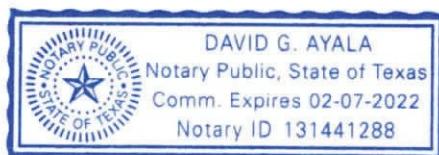
9. Same as above, J. Michael Ferguson, P.C. has never consented to Ian Ghrist or Ghrist Law Firm, PLLC to be a member of MBH Real Estate, LLC.

Further affiant sayeth naught.

J. MICHAEL FERGUSON

State of Texas §  
County of Tarrant §

SUBSCRIBED AND SWORN TO BEFORE ME on this 5<sup>th</sup> day of February 2019 to certify which witness my hand and official seal.



Notary Public, State of Texas

# Affidavit Exhibit 1



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

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Page 1 of 3

D216299058 12/22/2016 2:25 PM PGS 3 Fee: \$24.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records *Mary Louise Garcia* Mary Louise Garcia

### TRANSFER OF JUDGMENT

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: July 22, 2016

**Judgment Plaintiff:** Shawn Coker  
Neighborhood Partner, Inc.  
Blue Moon Realty Group  
Wizard Funding, LLC

**Transferee:** MBH Real Estate, LLC  
1210 Hall Johnson Rd., Suite 100  
Colleyville, Texas 76034

**Judgment:** See Attached Judgment

Total unpaid Principal, Pre-judgment interest, Court Cost and Post-judgment interest Due on the Judgment is \$777,357.04.

**Judgment is described in the Following Documents:**

Abstract of Judgment dated January 24, 2014, and filed of record under Instrument Number D214016934, Deed Records of Tarrant County, Texas.

For value received, Judgment Plaintiff transfers Judgment to Transferee, warrants that the Judgments unpaid balance of \$777,357.04 is correctly stated and that no payments have been made on said Judgment by Judgment Defendant other than the credit made on February 20, 2015 under the "Order Applying Property to Partial Satisfaction of Judgment" under Cause No. 236-269254-13, Tarrant County 236<sup>th</sup> Judicial District Court.

Transferee shall indemnify and hold Transferor harmless from any liability or loss resulting from the transfer of said Judgment.

This transfer is without recourse on Transferee.

Judgment Plaintiff expressly waives and releases all present and future rights to establish or enforce the Judgment described in this instrument for payment of any future or other indebtedness.

---

Page 1 of 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

**Tarrant County Clerk**

Handwritten signature of Mary Louise Garcia.

---

Page 2 of 3

When the context requires, singular nouns and pronouns include the plural.

Handwritten signature of Shawn Coker.

Shawn Coker

Neighborhood Partner, Inc.

By: Handwritten signature of Shawn Coker.

Shawn Coker, President

Blue Moon Realty Group, LLC

By: Handwritten signature of Shawn Coker.

Shawn Coker, Managing Member

Wizard Funding, LLC

By: Handwritten signature of Shawn Coker.

Shawn Coker, Managing Member

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Page 2 of 3



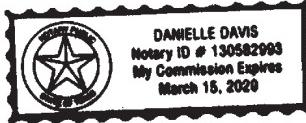
A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

Page 3 of 3

State of Texas                        §§  
County of Tarrant County            §§



Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker.

Danielle Davis  
Notary Public, State of Texas

State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, President of Neighborhood Partner, Inc.

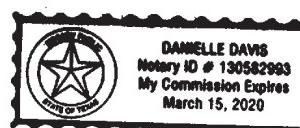
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Blue Moon Realty Group, LLC.

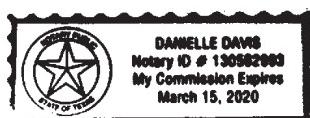
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Wizard Funding, LLC.

Danielle Davis  
Notary Public, State of Texas



Page 3 of 3

# Affidavit Exhibit 2

---

## TRANSFER OF MEMBER INTERESTS

---

CONCERNING

### **MBH REAL ESTATE, LLC**

In exchange for good and valuable consideration as described in the Settlement Agreement and Release, the undersigned, **SHAWN COKER**, does hereby transfer and assign to **ANSON FINANCIAL, INC.**, Fifty Percent (50%) of the Member Interests in **MBH Real Estate, LLC**, which represents all of the Member Interests in **MBH Real Estate, LLC**, that have been purportedly issued to **SHAWN COKER** as of the date of this *Transfer of Member Interests*. In this transfer, Shawn Coker hereby disclaims any and all interests in MBH Real Estate, LLC.

This transfer is effective July 1, 2015, regardless of the date of its actual execution by Transferor.

*Transferor:*



**SHAWN COKER**  
PURPORTED MEMBER OF MBH REAL ESTATE, LLC

SIGNED ON: JULY \_\_\_, 2016

# Affidavit Exhibit 3

CONSENT OF MEMBERS REGARDING TRANSFER OF MEMBER INTERESTS  
CONCERNING MBH REAL ESTATE, LLC

The undersigned, J. Michael Ferguson, P.C., and Shawn Coker, purported members of MBH Real Estate, LLC, a Texas Limited Liability Company (the “**Company**”), hereby acknowledge the receipt of a true and correct copy of the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, which documents the transfer by Coker as Transferor, of his alleged Fifty Percent (50.00%) ownership interest in the Company to Anson Financial, Inc., as Transferee. The Members approve of the transfer of Coker’s Fifty Percent (50.00%) ownership interest in the Company and acknowledge that as a result of the transfer set forth in the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, Coker is relinquishing his entire alleged ownership interest in the Company and Anson Financial, Inc., is acquiring that entire interest.

DATED: Effective July 22, 2016.

By:

  
SHAWN COKER

J. MICHAEL FERGUSON, P.C.

By:

  
J. MICHAEL FERGUSON,  
PRESIDENT

rebutting the plaintiffs cause of action. *City of Houston v. Clear Creek Basin Auth.*, 589 S.W.2 d 671, 678 (Tex. 1979).

#### BACKGROUND FACTS

6. In 2014 the Coker Defendants obtained a judgment against David Boles and various entities that Boles owns/owned in Cause Number 236-269254-13 (“The Judgment”).
7. The Judgment was transferred to MBH Real Estate, LLC by the Coker Defendants on July 28, 2016 as evidenced in the Transfer of Judgment attached hereto and incorporated by reference as **Exhibit 1**.
8. Effective in July of 2016, a complete transfer of membership interest and consent of transfer by the members of MBH Real Estate, LLC occurred. The transfer and consent are attached hereto and incorporated by reference as **Exhibit 2**.
9. The only members/owners of MBH Real Estate, LLC from July 2016 forward are J. Michael Ferguson, P.C. and Anson Financial, Inc.
10. However, on February 9, 2017 the Coker Defendants executed a Partial Release of Judgment Lien (“Partial Release”) and caused it to be recorded. The Partial Release is attached hereto and incorporated by reference as **Exhibit 3**.
11. This Partial Release was made over six months after the Transfer of Judgment from the Coker Defendants to MBH Real Estate, LLC.
12. Additionally, in February of 2017, the Ghrist Defendants executed and caused to be recorded by the Sendera Defendants a Release of Lien. The Release of Lien is attached hereto and incorporated by reference as **Exhibit 4**.
13. In the Release of Lien, the Ghrist Defendants claimed to be a member of MBH Real Estate, LLC. However, this is an impossibility.

14. There is indisputable evidence that The Ghrist Defendants have never been transferred the rights to be a member or have been consented to be a member of MBH Real Estate, LLC by the members of MBH Real Estate, LLC. **Exhibit 5.**

15. By law, the Ghrist Defendants did not and cannot have authority to sign the Release of Lien, rendering the Release of Lien void.

**GROUND ONE: THE COKER DEFENDANTS DID NOT HAVE AN INTEREST IN THE JUDGMENT**

16. The Coker Defendants transferred all their interests in the judgment in to MBH Real Estate, LLC on July 28, 2016. **Exhibit 1.**

17. The Coker Defendants did not have an interest in The Judgment at the time the Coker Defendants executed the Partial Release of Judgment Lien. **Exhibit 2.**

18. In fact, according to the Partial Release, the Coker Defendants waived and released all present and future rights to The Judgment. **Exhibit 1.**

19. There is indisputable evidence that the Coker Defendants did not have an interest in The Judgment when the Coker Defendants executed the Partial Release of Judgment Lien.

20. Thus, summary judgment should be granted to the Plaintiffs that the Coker Defendants did not have an interest in The Judgment in 2017 and that the Coker Defendants do not currently have an interest in The Judgment.

**GROUND TWO: THE COKER DEFENDANTS WERE NOT MEMBERS OF MBH REAL ESTATE, LLC IN 2017 NOR ARE THEY CURRENTLY MEMBERS OF MBH REAL ESTATE, LLC**

21. The Coker Defendants transferred all their membership interests in MBH Real Estate, LLC to Anson Financial, Inc. in July of 2016. **Exhibit 3.**

22. This was a transfer of the Coker Defendants' entire interest in MBH Real Estate, LLC, which amount to 50% of the membership interest in MBH Real Estate, LLC.

23. The members of MBH Real Estate, LLC consented to the transfer of membership interests and approved Anson Financial, Inc. to be a member of MBH Real Estate, LLC. **Exhibit 5.**
24. There is indisputable evidence that the Coker Defendants were not members of MBH Real Estate, LLC in 2017 and that the Coker Defendants are not currently members of MBH Real Estate, LLC.
25. Thus, summary judgment should be granted to the Plaintiffs that the Coker Defendants were not members of MBH Real Estate, LLC in 2017 and that the Coker Defendants are not currently members of MBH Real Estate, LLC.

**GROUND THREE: THE GHRIST DEFENDANTS WERE NOT MEMBERS OF MBH REAL ESTATE, LLC IN 2017 AND THEY HAVE NEVER BEEN MEMBERS OF MBH REAL ESTATE, LLC**

26. The Ghrist Defendants have never been members of MBH Real Estate, LLC and more specifically, the Ghrist Defendants were not members of MBH Real Estate, LLC in February of 2017 when the Release of Lien was signed by Ian Ghrist claiming to be a member.
27. There was never an agreement for the Ghrist Defendants to be members of MBH Real Estate, LLC, a transfer of membership to the Ghrist Defendants, or approval by the members of MBH Real Estate, LLC for the Ghrist Defendants to be members of MBH Real Estate, LLC. **Exhibit 5.**
28. There is indisputable and uncontroverted evidence that the Ghrist Defendants were not members of MBH Real Estate, LLC in 2017 and that the Ghrist Defendants have never been members of MBH Real Estate, LLC.
29. Thus, summary judgment should be granted to the Plaintiffs that the Ghrist Defendants were not members of MBH Real Estate, LLC in 2017 and that the Ghrist Defendants have

never been members of MBH Real Estate, LLC.

**GROUND FOUR: THE GHRIST DEFENDANTS DID NOT HAVE AUTHORITY**

30. The Ghrist Defendants, and specifically, Ian Ghrist, signed a Release of Lien claiming to be a member of MBH Real Estate, LLC. **Exhibit 4.**
31. Members are the owners of a limited liability company in that they hold a personal property interest in the company. **Tex. Bus. Orgs. Code §101.106(a).**
32. A claim that is seemingly made by all of the Defendants in this case is that the Ghrist Defendants had an “ownership interest” in MBH Real Estate, LLC. Even if true this does not entitle the Ghrist Defendants to act as a member of MBH Real Estate, LLC.
33. A person can be assigned a membership interest or “ownership interest”, but not become a member or an “owner” because to become a member or “owner”, the members or “owners” of MBH Real Estate, LLC would have to approve for the Ghrist Defendants to become members. **Tex. Bus. Orgs Code § 101.109(b).** This has never occurred and the Ghrist Defendants have never been members or “owners”. **Exhibit 5.**
34. Further, pursuant to the Texas Business and Organizations Code, having a “membership interest” does not entitle the holder of the interest to participate in the management and affairs of the company, become a member of the company, or exercise any rights of a member of the company. **Tex. Bus. Orgs. Code § 101.108.**
35. Additionally, the Ghrist Defendants, even if they owned a “membership interest,” did not have an interest in any specific property of MBH Real Estate, LLC further depriving the Ghrist Defendants of authority to sign the Release of Lien. **Tex. Bus. Orgs. Code § 101.106(b).**

36. Therefore, even if the Ghrist Defendants had some form of a “membership interest,” the Ghrist Defendants did not have authority to sign the Release of Lien because they were not members.

37. By law, the Ghrist Defendants did not have authority to sign the Release of Lien because they were not entitled to participate in the management and affairs of the company, become a member of the company, or exercise any rights of a member of the company.

38. Thus, summary judgment should be granted to Plaintiffs that the Ghrist Defendants did not have the authority to sign the Release of Lien on behalf of MBH Real Estate, LLC because the Ghrist Defendants were not, and to this day are not, members of MBH Real Estate, LLC, which renders the Release of Lien signed by the Ghrist Defendants, and specifically Ian Ghrist, void.

#### **EXHIBITS**

**Exhibit 1:** Transfer of Judgment from Coker Defendants to MBH Real Estate, LLC

**Exhibit 2:** Transfer of Membership Interest and Consent of Transfer

**Exhibit 3:** Partial Release of Judgment Lien

**Exhibit 4:** Release of Lien

**Exhibit 5:** Affidavit of J. Michael Ferguson

#### **PRAYER**

WHEREFORE, Plaintiffs request that this matter be set for hearing, with notice to all parties, and that on completion of the hearing, the honorable Court enter an Order granting Plaintiffs’ Traditional Evidence Motion for Partial Summary Judgment:

1. Finding that the Coker Defendants did not have an interest in The Judgment in 2017 and that the Coker Defendants currently do not have an interest in The Judgment.
2. Finding that the Coker Defendants were not members of MBH Real Estate, LLC

in 2017 and that the Coker Defendants are not currently members of MBH Real Estate, LLC.

3. Finding that the Ghrist Defendants were not members of MBH Real Estate, LLC in 2017 and that the Ghrist Defendants have never been members of MBH Real Estate, LLC.
4. Finding that the Ghrist Defendants did not have the authority to sign the Release of Lien on behalf of MBH Real Estate, LLC because they were not members of MBH Real Estate, LLC rendering the Release of Lien void.
5. Other and such relief to which the Plaintiffs may be justly entitled.

Respectfully submitted,

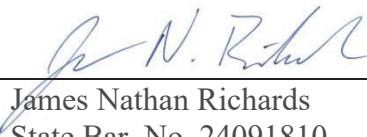
Thomas A. Herald, PC

By: \_\_\_\_\_

Thomas A. Herald  
State Bar. No. 09499520  
[Tom@TAHeraldPC.com](mailto:Tom@TAHeraldPC.com)  
62 Main Street, Suite 310  
Colleyville, Texas 76034  
817-778-4136 Phone  
817-485-1117 Facsimile  
**ATTORNEY FOR**  
*Anson Financial, Inc*

J. Michael Ferguson, PC

By: \_\_\_\_\_

  
James Nathan Richards  
State Bar. No. 24091810  
[nate@jmichaelferguson.com](mailto:nate@jmichaelferguson.com)  
62 Main Street, Suite 310  
Colleyville, Texas 76034  
817-778-4159 Phone  
817-485-1117 Facsimile

**CERTIFICATE OF SERVICE**

This is to certify that on February 27, 2019 a true and correct copy of the above and foregoing document was delivered as indicated below to the following party:

**VIA E-FILE**

Ian Ghrist  
Ghrist Law Firm, PLLC  
2735 Villa Creek Drive, Suite 140  
Farmer's Branch, TX 75234

**VIA E-FILE**

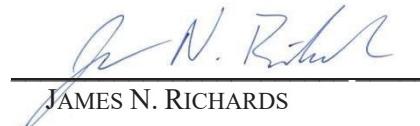
Anthony Cuesta  
Decker Jones, P.C.  
801 Cherry Street, Unit #46  
Burnett Plaza, Suite 2000  
Fort Worth, Texas 76102

**VIA E-FILE**

Salvador Espino  
1205 North Main Street  
Fort Worth, Texas 76164

**VIA E-FILE**

Roland Johnson  
Harris, Finley & Bogle, P.C.  
777 Main Street, Suite 1800  
Fort Worth, Texas 76102



---

JAMES N. RICHARDS

# Exhibit 1



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

Handwritten signature of Mary Louise Garcia.

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Page 1 of 3

D216299058 12/22/2016 2:25 PM PGS 3 Fee: \$24.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records Mary Louise Garcia

### TRANSFER OF JUDGMENT

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: July 22, 2016

**Judgment Plaintiff:** Shawn Coker  
Neighborhood Partner, Inc.  
Blue Moon Realty Group  
Wizard Funding, LLC

**Transferee:** MBH Real Estate, LLC  
1210 Hall Johnson Rd., Suite 100  
Colleyville, Texas 76034

**Judgment:** See Attached Judgment

Total unpaid Principal, Pre-judgment interest, Court Cost and Post-judgment interest Due on the Judgment is \$777,357.04.

**Judgment is described in the Following Documents:**

Abstract of Judgment dated January 24, 2014, and filed of record under Instrument Number D214016934, Deed Records of Tarrant County, Texas.

For value received, Judgment Plaintiff transfers Judgment to Transferee, warrants that the Judgments unpaid balance of \$777,357.04 is correctly stated and that no payments have been made on said Judgment by Judgment Defendant other than the credit made on February 20, 2015 under the "Order Applying Property to Partial Satisfaction of Judgment" under Cause No. 236-269254-13, Tarrant County 236<sup>th</sup> Judicial District Court.

Transferee shall indemnify and hold Transferor harmless from any liability or loss resulting from the transfer of said Judgment.

This transfer is without recourse on Transferee.

Judgment Plaintiff expressly waives and releases all present and future rights to establish or enforce the Judgment described in this instrument for payment of any future or other indebtedness.

---

Page 1 of 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

A handwritten signature in blue ink that appears to read "Mary Louise Garcia".

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Page 2 of 3

When the context requires, singular nouns and pronouns include the plural.

A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker

Neighborhood Partner, Inc.

By: A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker, President

Blue Moon Realty Group, LLC

By: A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker, Managing Member

Wizard Funding, LLC

By: A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker, Managing Member

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Page 2 of 3



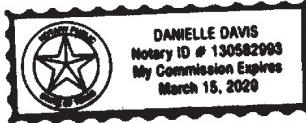
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Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

Page 3 of 3

State of Texas                        §§  
County of Tarrant County            §§



Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker.

Danielle Davis  
Notary Public, State of Texas

State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, President of Neighborhood Partner, Inc.

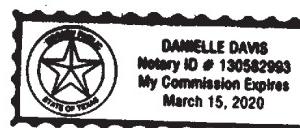
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Blue Moon Realty Group, LLC.

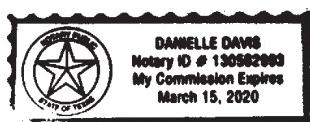
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Wizard Funding, LLC.

Danielle Davis  
Notary Public, State of Texas



Page 3 of 3

# Exhibit 2

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## TRANSFER OF MEMBER INTERESTS

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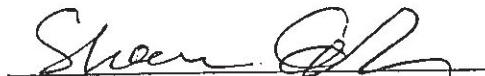
CONCERNING

### MBH REAL ESTATE, LLC

In exchange for good and valuable consideration as described in the Settlement Agreement and Release, the undersigned, **SHAWN COKER**, does hereby transfer and assign to **ANSON FINANCIAL, INC.**, Fifty Percent (50%) of the Member Interests in **MBH Real Estate, LLC**, which represents all of the Member Interests in **MBH Real Estate, LLC**, that have been purportedly issued to **SHAWN COKER** as of the date of this *Transfer of Member Interests*. In this transfer, Shawn Coker hereby disclaims any and all interests in MBH Real Estate, LLC.

This transfer is effective July 1, 2015, regardless of the date of its actual execution by Transferor.

*Transferor:*



**SHAWN COKER**  
**PURPORTED MEMBER OF MBH REAL ESTATE, LLC**

SIGNED ON: JULY \_\_\_, 2016

CONSENT OF MEMBERS REGARDING TRANSFER OF MEMBER INTERESTS  
CONCERNING MBH REAL ESTATE, LLC

---

The undersigned, J. Michael Ferguson, P.C., and Shawn Coker, purported members of MBH Real Estate, LLC, a Texas Limited Liability Company (the “**Company**”), hereby acknowledge the receipt of a true and correct copy of the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, which documents the transfer by Coker as Transferor, of his alleged Fifty Percent (50.00%) ownership interest in the Company to Anson Financial, Inc., as Transferee. The Members approve of the transfer of Coker’s Fifty Percent (50.00%) ownership interest in the Company and acknowledge that as a result of the transfer set forth in the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, Coker is relinquishing his entire alleged ownership interest in the Company and Anson Financial, Inc., is acquiring that entire interest.

DATED: Effective July 22, 2016.

By:

  
SHAWN COKER

J. MICHAEL FERGUSON, P.C.

By:

  
J. MICHAEL FERGUSON,  
PRESIDENT

# Exhibit 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: j5d5too

Tarrant County Clerk

*Mary Louise Garcia*

Page 1 of 2

D217032046 2/10/2017 3:15 PM PGS 2 Fee: \$20.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records *Mary Louise Garcia* Mary Louise Garcia

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Partial Release of Judgment Lien

Date: 2/9/17

Judgment Debtors: David Carl Boles, Metro Buys Homes, LLC, Metro Buys Homes II, LLC, Metro Affordable Homes, Inc.

Judgment Creditors: Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, LLC, Wizard Funding, LLC

Judgment

Date: May 15<sup>th</sup>, 2013

Cause number: 236-269254-13

Style of case: *Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, and Wizard Funding, LLC, Plaintiffs v. Metro Buys Homes, LLC, David C. Boles, Teisha D. Boles, Walter E. Boles, Jim Dieffenbierth, Metro Affordable Homes, Inc., and Metra Buys Homes II, LLC.*

Court: 236<sup>th</sup> Judicial District Court of Tarrant County, Texas

Property to be released from lien:

Lot 23, W.B. MONCRIEF ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-F, Page 471, Plat Records, Tarrant County, Texas.

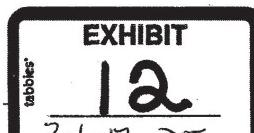
Abstract of Judgment Recording Information: Instrument Number D214016934 in the real property records of Tarrant County, Texas

Judgment Creditor acknowledges satisfaction of the Judgment in part and releases to Judgment Debtor any and all liens existing by reason of the Judgment and the filing of the abstract of judgment only against the above-described property.

The liens existing by reason of the Judgment and the filing of the abstract of judgment continue in full force and effect as to all properties not expressly released by this instrument.

Page 1 of 2

Exhibit





A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: j5d5too

Tarrant County Clerk

*Mary Louise Garcia*

Page 2 of 2

*Shawn Coker*

Shawn Coker  
Neighborhood Partner, Inc.

*Shawn Coker*  
By: Shawn Coker, President

Blue Moon Realty Group, LLC

*Shawn Coker*  
By: Shawn Coker, Managing Member

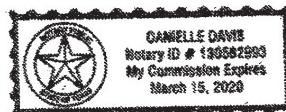
Wizard Funding, LLC

*Shawn Coker*  
By: Shawn Coker, Managing Member

State of Texas  
County of Tarrant

This instrument was acknowledged before me on this the 9<sup>th</sup> day of February, 2017 by  
Shawn Coker.

*Danielle Davis*  
Notary Public



Page 2 of 2

Exhibit \_\_\_\_\_ - Page 2 of 2

# Exhibit 4

*Mary Louise Garcia*

## Page 1 of 2

D217060901 3/20/2017 11:38 AM PGS 2 Fee: \$20.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records  
*Mary Louise Garcia* Mary Louise Garcia  
Sender Title: *Mary Louise Garcia* GPK

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON,  
YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING  
INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN  
REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## Release of Lien

Date: February 16<sup>th</sup>, 2017

Lienholder: MBH Real Estate LLC

Borrower: Elmer Yonathan Umana Hernandez and wife, Brenda Arely Garcia De  
Umana

## Deed with Retained Vendor's Lien:

Date & Instrument September 16<sup>th</sup>, 2015, Instrument Number D215210217

## Deed of Trust:

Date & Instrument: September 16<sup>th</sup>, 2015, Instrument Number D215210218

## Property to be released from lien:

Lot 23, W.B. MONCRIEF ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-F, Page 471, Plat Records, Tarrant County, Texas (more commonly known as 2420 Purselley, Fort Worth, TX)

The undersigned is the holder of a lien secured by a deed of trust filed in the Tarrant County Real Property records under the above-listed instrument numbers. In consideration of the full and final payment of all indebtedness secured by the lien described above, the receipt of which is hereby acknowledged, the undersigned hereby releases the property described above from all liens held by the undersigned.

*Mary Louise Garcia*

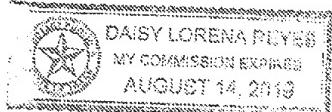
Executed on this the 16<sup>th</sup> day of February, 2017.

MBH Real Estate LLC

By: Ian Ghrist  
Ian Ghrist, Member

State of Texas                    §  
County of Dallas                §

This instrument was acknowledged before me on this the 16<sup>th</sup> day of February, 2017 by  
Ian Ghrist.



Notary Public

**CAUSE NO. 141-295012-17**

MBH REAL ESTATE, LLC,  
AFI LOAN SERVICING, LLC,  
ANSON FINANCIAL, INC.  
J. MICHAEL FERGUSON, P.C.

*Plaintiffs*

v.

IAN GHRIST, GHRIST LAW  
FIRM, PLLC, SHAWN COKER,  
NEIGHBORHOOD PARTNER,  
INC., BLUE MOON REALTY  
GROUP, LLC AND WIZARD  
FUNDING, LLC, SILVER STAR  
TITLE, LLC DBA SENDERA  
TITLE, ELIZABETH ESPINO,  
KATHY E. MONTES, and LUCY  
OLIVAS

*Defendants*

§ IN THE DISTRICT COURT

§ 141ST DISTRICT COURT

§§ TARRANT COUNTY, TEXAS

**AFFIDAVIT OF J. MICHAEL FERGUSON**

---

BEFORE ME, the undersigned Notary Public, personally appeared the person known to me to be J. Michael Ferguson, who upon being duly sworn, deposed and stated the following:

1. My name is J. Michael Ferguson. I am over the age of eighteen (18), of sound mind, and I am fully competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. All of the statements contained in this affidavit are based on my personal knowledge and are true and correct.
2. I am the Managing Member of MBH Real Estate, LLC. I am also the President of J. Michael Ferguson, P.C. Additionally, I am the President of Anson Financial, Inc.
3. On July 22, 2016, Shawn Coker, Neighborhood Partner, Inc., Blue Moon Realty Group, and Wizard Funding, LLC conveyed their entire interests in the judgment rendered in Cause Number 236-269254-13 to MBH Real Estate, LLC. A true and correct copy of the Transfer of Judgment is attached to this affidavit as Exhibit 1.
4. On July 22, 2016, Shawn Coker transferred all of his member interests in MBH Real Estate, LLC to Anson Financial, Inc. A true and correct copy of the transfer of member interest is attached to this affidavit as Exhibit 2.

5. On July 22, 2016, the members of MBH Real Estate, LLC consented to the transfer of Shawn Coker's 50% interest in the company to Anson Financial, Inc. A true and correct copy of the member consent is attached to this affidavit as Exhibit 3.

6. From the time that Shawn Coker transferred all his member interests in MBH Real Estate, LLC to Anson Financial, Inc. and the members of MBH Real Estate, LLC consented to this transfer of member interest on July 22, 2106, the only members of MBH Real Estate, LLC have been J. Michael Ferguson, P.C. and Anson Financial, Inc.

7. Neither Ian Ghrist nor Ghrist Law Firm, PLLC have ever been members of MBH Real Estate, LLC.

8. At no time has Anson Financial, Inc. ever consented to Ian Ghrist or Ghrist Law Firm, PLLC to be a member of MBH Real Estate, LLC.

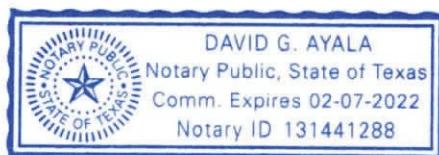
9. Same as above, J. Michael Ferguson, P.C. has never consented to Ian Ghrist or Ghrist Law Firm, PLLC to be a member of MBH Real Estate, LLC.

Further affiant sayeth naught.

J. MICHAEL FERGUSON

State of Texas §  
County of Tarrant §

SUBSCRIBED AND SWORN TO BEFORE ME on this 5<sup>th</sup> day of February 2019 to certify which witness my hand and official seal.



Notary Public, State of Texas

# Affidavit Exhibit 1



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

Page 1 of 3

D216299058 12/22/2016 2:25 PM PGS 3 Fee: \$24.00 Submitter: SIMPLIFILE

Electronically Recorded by Tarrant County Clerk in Official Public Records *Mary Louise Garcia* Mary Louise Garcia

**TRANSFER OF JUDGMENT**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON,  
YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING  
INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN  
REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: July 22, 2016

**Judgment Plaintiff:** Shawn Coker  
Neighborhood Partner, Inc.  
Blue Moon Realty Group  
Wizard Funding, LLC

**Transferee:** MBH Real Estate, LLC  
1210 Hall Johnson Rd., Suite 100  
Colleyville, Texas 76034

**Judgment:** See Attached Judgment

Total unpaid Principal, Pre-judgment interest, Court Cost and Post-judgment interest Due on the Judgment is \$777,357.04.

**Judgment is described in the Following Documents:**

Abstract of Judgment dated January 24, 2014, and filed of record under Instrument Number D214016934, Deed Records of Tarrant County, Texas.

For value received, Judgment Plaintiff transfers Judgment to Transferee, warrants that the Judgments unpaid balance of \$777,357.04 is correctly stated and that no payments have been made on said Judgment by Judgment Defendant other than the credit made on February 20, 2015 under the "Order Applying Property to Partial Satisfaction of Judgment" under Cause No. 236-269254-13, Tarrant County 236<sup>th</sup> Judicial District Court.

Transferee shall indemnify and hold Transferor harmless from any liability or loss resulting from the transfer of said Judgment.

This transfer is without recourse on Transferee.

Judgment Plaintiff expressly waives and releases all present and future rights to establish or enforce the Judgment described in this instrument for payment of any future or other indebtedness.

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Page 1 of 3



A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

**Tarrant County Clerk**

A handwritten signature in blue ink that appears to read "Mary Louise Garcia".

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Page 2 of 3

When the context requires, singular nouns and pronouns include the plural.

A handwritten signature in black ink that appears to read "Shawn Coker".  
Shawn Coker

Neighborhood Partner, Inc.

By: Shawn Coker, President

Blue Moon Realty Group, LLC

By: Shawn Coker, Managing Member

Wizard Funding, LLC

By: Shawn Coker, Managing Member

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Page 2 of 3



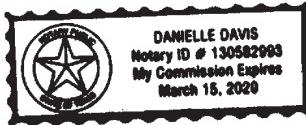
A True and Correct Copy of Original Record Filed in Tarrant County, TEXAS  
Verify Certification at <https://tcrecordsonline.com>  
Verify Key: hckg9dx

Tarrant County Clerk

*Mary Louise Garcia*

Page 3 of 3

State of Texas                        §§  
County of Tarrant County            §§



Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker.

Danielle Davis  
Notary Public, State of Texas

State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, President of Neighborhood Partner, Inc.

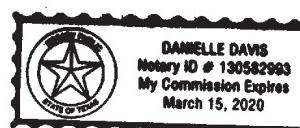
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Blue Moon Realty Group, LLC.

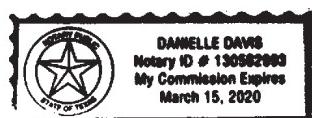
Danielle Davis  
Notary Public, State of Texas



State of Texas                        §§  
County of Tarrant County            §§

Signed and acknowledged before me on this the 28<sup>th</sup> day of July, 2016 by Shawn Coker, Managing Member of Wizard Funding, LLC.

Danielle Davis  
Notary Public, State of Texas



Page 3 of 3

# Affidavit Exhibit 2

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## TRANSFER OF MEMBER INTERESTS

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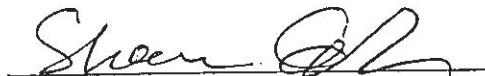
CONCERNING

### MBH REAL ESTATE, LLC

In exchange for good and valuable consideration as described in the Settlement Agreement and Release, the undersigned, **SHAWN COKER**, does hereby transfer and assign to **ANSON FINANCIAL, INC.**, Fifty Percent (50%) of the Member Interests in **MBH Real Estate, LLC**, which represents all of the Member Interests in **MBH Real Estate, LLC**, that have been purportedly issued to **SHAWN COKER** as of the date of this *Transfer of Member Interests*. In this transfer, Shawn Coker hereby disclaims any and all interests in MBH Real Estate, LLC.

This transfer is effective July 1, 2015, regardless of the date of its actual execution by Transferor.

*Transferor:*



**SHAWN COKER**  
**PURPORTED MEMBER OF MBH REAL ESTATE, LLC**

SIGNED ON: JULY \_\_\_, 2016

# Affidavit Exhibit 3

CONSENT OF MEMBERS REGARDING TRANSFER OF MEMBER INTERESTS  
CONCERNING MBH REAL ESTATE, LLC

---

The undersigned, J. Michael Ferguson, P.C., and Shawn Coker, purported members of MBH Real Estate, LLC, a Texas Limited Liability Company (the “**Company**”), hereby acknowledge the receipt of a true and correct copy of the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, which documents the transfer by Coker as Transferor, of his alleged Fifty Percent (50.00%) ownership interest in the Company to Anson Financial, Inc., as Transferee. The Members approve of the transfer of Coker’s Fifty Percent (50.00%) ownership interest in the Company and acknowledge that as a result of the transfer set forth in the *Transfer of Member Interests Concerning MBH Real Estate, LLC*, Coker is relinquishing his entire alleged ownership interest in the Company and Anson Financial, Inc., is acquiring that entire interest.

DATED: Effective July 22, 2016.

By:

  
SHAWN COKER

J. MICHAEL FERGUSON, P.C.

By:

  
J. MICHAEL FERGUSON,  
PRESIDENT